

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GROVER H. DAVIS,

Plaintiff,

v.

ST. JOSEPH COUNTY SHERIFF'S
DEPARTMENT, *et al.*,

Defendants.

Case No. 1:07-CV-778

Hon. Richard Alan Enslen

ORDER

Plaintiff Grover H. Davis has moved for entry of a default judgment. The motion follows the entry of Defendants' Answer on October 16, 2007 such that default under Federal Rule of Civil Procedure 55 is inappropriate. *See* Fed. R. Civ. P. 55(a). While Plaintiff argues that default is an appropriate Rule 16(f) sanction, the Magistrate Judge did not employ that sanction and her previous Order was not clearly erroneous or contrary to law. *See* 28 U.S.C. § 636(b)(1)(A). Therefore,

IT IS HEREBY ORDERED that Plaintiff Grover H. Davis' Motion for Default Judgment (Dkt. No. 40) is **DENIED**.

DATED in Kalamazoo, MI:
February 12, 2008

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE